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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,693	07/19/2005	Beat Luginbuhl	71830	1858
23872 7590 03/17/2008 MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227				
EXAMINER				
CULLER, JILL E				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,693

Applicant(s)

LUGINBUHL, BEAT

Examiner

Jill E. Culler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,537,127 to Fadner et al.

With respect to claim 1, Fadner et al. teaches an inking roller, 12, for an inking system, comprising: a ink-transferring surface with circumferential flutes distributed over the ink-transfer surface and longitudinal flutes intersecting the circumferential flutes and elevated surface areas as webs between the circumferential and longitudinal flutes. See column 6, lines 36-48 and Figs. 2-4 in particular.

With respect to claim 8, Fadner et al. teaches an inking system, comprising: a printing form cylinder or plate cylinder, 20; a rubber blanket cylinder, 25; an inking and dampening system with an ink duct, 10, a ductor roller, 11, a doctor blade bar, 13, engaged with the ductor roller and a film or fluted roller, 12; other ink transfer rollers between the film or fluted roller; a mating cylinder, 26, the rubber blanket cylinder forming a printing gap, in which a web, 21, passing through is printed on, on one side or on both sides, the film or fluted roller comprising a ink-transferring surface with circumferential flutes distributed over the ink-transfer surface and, longitudinal flutes

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intersecting the circumferential flutes and elevated surface areas as disposed between the circumferential and longitudinal flutes. See column 6, lines 23-61 and Figs. 1-4.

With respect to claim 15, Fadner et al. teaches an inking system comprising: an inking roller, 12, including an ink-transferring surface, said surface defining a plurality of circumferential flutes extending predominantly in a circumferential direction of said inking roller, said surface defining a plurality of longitudinal flutes extending predominantly in a longitudinal direction of said inking roller. See column 6, lines 36-48 and Figs. 2-4 in particular.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 9-11 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadner et al.

With respect to claims 2-3 and 9-10, although Fadner et al. does not explicitly teach the claimed web dimensions, one having ordinary skill in the art would recognize that the optimal dimensions of the web would vary depending upon the required application and therefore could best be determined through routine experimentation.

With respect to claims 4, 11 and 16-17, although Fadner et al. does not explicitly teach the claimed shape and slope angle of the flutes, one having ordinary skill in the

art would recognize that the optimal shape of the flutes would vary depending upon the required application and therefore could best be determined through routine experimentation.

5. Claims 5-6, 12-13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadner et al. in view of DE 3932694 to Yuichi et al.

With respect to claims 5, 12 and 19, Fadner et al. teaches all that is claimed, as in the above rejection of claims 1, 8 and 15, except that each of the circumferential flutes runs back into itself, forming a closed loop.

Yuichi et al. teaches an inking roller wherein each of the circumferential flutes runs back into itself. See Fig. 6.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the inking roller of Fadner et al. to have flutes that run back into themselves forming closed loops, as taught by Yuichi et al. as Yuichi et al. teaches this is an advantageous design.

With respect to claims 6 and 13, Fadner et al. teaches all that is claimed, as in the above rejection of claims 1 and 8, except that each of the circumferential flutes has a continuously curved course.

Yuichi et al. teaches an inking roller wherein each of the circumferential flutes has a continuously curved course. See Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the inking roller of Fadner et al. to have flutes in a continuously

curved course, as taught by Yuichi et al. as Yuichi et al. teaches this is an advantageous design.

6. Claims 7, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadner et al. in view of U.S. Patent No. 5,016,530 to Palmatier.

Fadner et al. teaches all that is claimed, as in the above rejection of claims 1, 8 and 15, except that the circumferential flutes extend in a wave-shaped pattern with an amplitude of preferably between 3 mm and 50 mm.

Palmatier teaches an inking roller having circumferential flutes extending in a wave-shaped pattern. See column 2, lines 28-44 and Figs. 2-3.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Fadner to have flutes in a wave-shaped pattern, as taught by Palmatier, as Palmatier teaches this is an advantageous design. Although Fadner et al. and Palmatier do not explicitly teach the amplitude of the pattern, one having ordinary skill in the art would recognize that the optimal amplitude of the flute pattern would vary depending upon the required application and therefore could best be determined through routine experimentation.

Response to Arguments

7. Applicant's arguments filed December 6, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that Fadner et al. does not disclose both a circumferential set of flutes and a longitudinal set of flutes, Fadner et al. actually describes two sets of flutes which could be considered both circumferential and longitudinal, and therefore describe a roller which meets the limitations of the claims. Since, as applicant states, both sets of depressions appear to be symmetrical and could be considered to be circumferential, then they must also both be considered to be longitudinal.

In response to applicant's argument that there is no suggestion to combine the Fadner et al. and Yuichi references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, although, as applicant notes, Yuichi does not explicitly teach a double set of grooves or flutes, one having ordinary skill in the art would understand the advantages of the closed loops of Yuichi and would be motivated to adapt the design of Fadner et al. to include this design.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

/Jill E. Culler/
Primary Examiner, Art Unit 2854